

**Notice of Allowability**

Application No.

10/500,299

Applicant(s)

CARLSON ET AL.

Examiner

Meless N. Zewdu

Art Unit

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/12/07.
2. ☒ The allowed claim(s) is/are 1-10, 12-26 and 28-35.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>10/23/07</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|  | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *Response to Amendment*

1. This action is in response to the communication filed on 6/12/07.
2. Claims 11 and 27 have been canceled.
3. Claims 1-10, 12-26 and 28-35 are pending in this action.
4. Claims 1-10, 12-26 and 28-35 are allowed.

## EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Franklin, Erik J. (Reg. No. 37,134) on 10/23/07 (see attached interview summary).

The application has been amended as follows:

### **Please amend the claims as follows:**

In claim 1, on line 8, change "**a zone or predetermined**" into --- a zone of a predetermined ---,

In claim 1, on line 10, change "**the identification**" into --- the user identification --

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In claim 1, on line 11, change "**the present location**," into --- the present location; and ----,

In claim 1, on line 11, change "**selecting a data**" into --- selecting the data ----,

In claim 1, on line 12, change "**of predetermined**" into --- of the predetermined --

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In claim 1, on line 17, change "**the first data quantity**" into --- the data quantity --

-,

In claim 3, on line 3, change "**inputting data**" into --- the user inputting data ---,

In claim 5, on line 2, change "**the list**" into --- a list ---,

In claim 9, on line 1, change "**wherein**" into --- wherein the ---,

In claim 12, on line 1, change (claim 11" into --- claim 1' ---,

In claim 16, on line 2, change "**the identification**" into --- the user identification --

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In claim 17, on line 11, change "**determining of**" into --- determining ---,

In claim 17, on line 12, change "**a zone of predetermined**" into --- a zone of a predetermined ---,

In claim 17, on line 16, change "**zone of predetermined**" into --- zone of the predetermined ---,

In claim 18, on line 2, change "**the list**" into --- a list ---,

In claim 18, on line 3, change "**the history**" into --- a history ---,

In claim 18, on line 3, change "**terminal**," into --- terminal; ---,

In claim 18, on line 4, change "**the operational**" into --- an operational ---,

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In claim 18, on line 4, change "**facility**," into --- facility; ---,

In claim 18, on line 5, change "**time**," into --- time; ---

In claim 19, on line 4, change "**having access**" into --- has an access ---,

In claim 21, on line 2, change "**the list**" into --- a list ---,

In claim 28, on line 1, change "claim 27" into --- claim 17 ---,

In claim 32, on line 2, change "**said identification**" into – said user identification -

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In claim 32, on line 3, change "**authorization**" into --- an authorization ---,

In claim 32, on line 4, change "**education**" into --- an education ---,

In claim 32, on line 5, change "**organization**" into --- an organization ---,

In claim 32, on line 6, change "**priority**" into --- a priority ---,

In claim 33, on line 9, change "comprising" into --- comprising: ---,

In claim 33, on line 11, change "terminal," into --- terminal; ---,

In claim 33, on line 13, change "**related**" into – relating ---,

In claim 33, on line 13, change "**a zone of predetermined**" into --- a zone of a  
predetermined ---,

In claim 33, on line 14, change "**extent**," into --- extent; ---,

In claim 33, on line 16, change "**selecting data quantity**" into --- selecting the  
data quantity ---,

In claim 33, on line 17, change "**of predetermined**" into --- of the predetermined -

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In claim 33, on line 17, change "**extent**," into – extent; ---,

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In claim 33, on line 19, change "**needs**," into --- needs; ---,

In claim 33, on line 21, change "**terminal**," into --- terminal; ---,

In claim 33, on line 23, change "**terminal**," into --- terminal; ---,

In claim 34, on line 2, change "**further for**" into --- further used for ---,

In claim 35, on line 3, change "**for supply**" into --- used for supply ---,

***Allowable Subject Matter***

Claims 1-10, 12-26 and 28-35 are allowed.

The following is an examiner's statement of reasons for allowance:

**As per claims 1-10, 12-26 and 28-35:** the claims are directed to location determination of a user (user terminal) in an industrial facility. The prior art of record does not teach or fairly suggest selecting data from databases depending on at least both the user identification and the present location and the identity of a zone of a predetermined spatial extent, as recited in claims 1, 17 and 33, and further argued by applicant.

In the process of updating the search, a document was discovered, US 7,143,149 B2, issued to Oberg et al. However, since it belongs to the same assignee (ABB AB) and does not have a statutory bar date (i. e., it is a 102 (e) reference), it could not be applied as a legitimate prior art. Although the document is very similar to the instant application, the investigation of the claims in both the patent and the application did not provide a clear ground for possible obviousness double patenting rejection.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Appiah Charles can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Meless Zewdu

A handwritten signature in black ink, appearing to read 'Zewdu, Meless', written in a cursive style.

Primary examiner

23 October 2007.